**IN THE HIGH COURT OF UTTARANCHAL AT NANITAL**

**WRIT PETITION NO. 1762 (SS) OF 2005**

Mahesh Chandra, son of Sri Ram Dayal, serving as Registration Clerk, in the office of Sub Registrar, Kashipur, District Udham Singh Nagar. .....Petitioner.

Versus

1. State of Uttaranchal, through Principal Secretary, Department of Finance and Revenue, Government of Uttaranchal, Dehradun.
2. Inspector General, Stamps and Registration, Uttaranchal, Dehradun.
3. State of U.P., through Principal Secretary, Department of Finance and Revenue, Government of U.P., Lucknow.
4. Union of India, through Secretary, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training), Government of India, Lok Naik Bhawan, IIIrd Floor, Khan Market, New Delhi.
5. State Advisory Committee, constituted under U.P. Reorganization Act, 2000, Gate NO. 31, Jahawar Lal Nehru Stadium, New Delhi through its Chairman.
6. District Registrar, Udham Singh Nagar.

.....Respondents.

***Sri Alok Mehra, Advocate for the petitioner.***
***Mrs. A Bhargava, Advocate for the Union of India.***
***Learned Standing Counsel.***

**Dated: 27.02.2006**

**Hon'ble Rajesh Tandon, J.**

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondent no. 5 to consider to option submitted by the petitioner for Uttaranchal State in the light of petitioner's domicile and also the criterion

fixed for making final allotment of State employees to State of Uttaranchal.

2. On 29th November, 2005 following order was passed by this Court:

*"Heard Sri Alok Mehra, leartned counel for the petitioner, learned Standing Counsel for the State/respondent no. 1,2,6, Smt. Anjali Bhargava, learned Standing Counsel for Union of India/respondent nos. 4 and 5, and Smt. Beena Pandey, learned Standing Counsel for State of U.P./ respondent no. 3.*

*The respondents may file counter affidavit within a period of three weeks. List thereafter.*

*Stay Application No. 10562 of 2005:-*

*Heard.*

*The petitioner, who is serving as Registration Clerk in the Department of Finance and Revenue, Govt. of Uttaranchal, submits that at he initial stage he has opted for State of Uttar Pradesh, however in the year 2000, after creation of State of Uttaranchal, he changed his option and opted for State of Uttaranchal. Like the petitioner, some other employees of the Department have also changed their option in the year 2001 and have opted for State of Uttaranchal and they have been finally allocated for State of Uttaranchal. The petitioner is the permanent resident of State of Uttarnachal despite, this, his name has not find place in the final allocation list issued by respondent no. 4.*

*Contention of the petitioner is that the persons at serial no. 5,6,7,& 8, at para no. 6 of the writ petition, are the similarly situated person. They have also opted for State of U.P. but afterwards they have changed their option in the year 2001 for State of Uttaranchal. The petitioner case falls on the*

*same footing. Further the said persons, namely, S.Sri Shiv Prasad Pandey, Ram Singh Mehta, Ravindra Prasad Tamta and Smt. Pushpa have been finally allocated to the State of Uttarnachal.*

*It has been further contended that the petitioner has earlier moved representation on 21.12.2004 which was forwarded by the Sub Registrar, Kashipur district Udham Singh Nagar with the recommendation to include the name of the petitioner in the T.F.A.L., but without taking any decision on his representation, the petitioner has been deprived of being included in the final allocation list as his name does not find place in the final allocation list of persons allotted for State of Uttarnachal issued by respondent no.4.*

*In these circumstances, the respondent no. 4 is directed to take final decision on the representation of the petitioner dated 21.12.2004 as expeditiously as possible. Till the decision is taken on the representation of the petitioner, he shall not be relieved for State of Uttar Pradesh."*

The petitioner has informed that the representation filed by the petitioner has not yet been decided by the respondent no. 4.

In view of the order passed aforesaid, the respondent no. 4 is directed to decide the representation of the petitioner within a period of six weeks from the date of presentation of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

Till the disposal of the representation made by the petitioner, the interim order, if any, shall remain in force.

(Rajesh Tandon, J.)

27.02.2006
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